

PUBLIC QUESTIONS RECEIVED FOR COUNCIL 3 FEBRUARY

1) From: Diane Kathryn Neil Mills

To the Cabinet Member for Environmental Sustainability and Regeneration

Question: With regards to right of light, with whom does the responsibility lie in terms of assessing compliance with the council's policy on this matter?

Reply

It is for the Council's Development Control team to assess compliance with policy of any submitted evidence. Often impact can be assessed by a simple site visit and development control planning case officers are trained to consider such impacts. If there is considered to be a significant impact on daylight or sunlight to neighbouring residential properties as part of any proposed development, then the applicant may be asked to submit a report on the matter from a suitably qualified individual. The methodology and conclusions in the report will be checked by a planning officer and clarifications sought if any discrepancies arise. The council can also undertake its own 'aspect value test' however this is a simple method normally reserved for simple small extensions.

2) From: Chris Wales

To the Cabinet Member for Environment Cleanliness and Parking

Question: "Could the Cabinet Member please indicate what the annual running costs of the Controlled Parking Zone scheme are; how much revenue it generates for the council and what the stated aims of the scheme are?"

Reply

Based on figures reported to Mayor's Office for the Parking Account for 2014/15, the running costs of the CPZ scheme were £2.3M and the net receipts from contraventions was £7.8M, which was used to fund transport related activity including contributing towards the cost of the Freedom Pass which costs Merton about £9m a year.

The aims of the Controlled Parking Scheme are to respond to the fact that traffic congestion is one of residents' top concerns and to manage the demand for on-street parking in residential areas. CPZs are only considered by the Council if they are proposed by residents. Similarly, they are only implemented after due consultation with residents which results in the majority of residents responding in favour of CPZ proposals.

Summary of Supplementary Question:

I want to very briefly just give a bit of background to the question I am going to ask, very sadly last year I found myself for the first time between contracts for quite some time and we had to move out of London to live with family and very fortunately found somewhere in Merton to live with days left on the clock to move house. Which is always a stressful time. Mr Mayor I received many house warming gifts, but my favourite has to be the one I had from Merton Council which said ' £110 please this

is a controlled parking zone buy one now 50% discount if you do'. My understanding of the scheme as outlined here by a member is that this is aimed at stopping congestion, which I understand. But what I would say is obviously moving house is a stressful time particularly if you only have days to do it. I would ask therefore the question; would the member agree with me that it would be fair to allow for a small period when a new resident moves in, a grace period if you like, to have the time to arrange for a permit without being charged and will she work with me to have a look into this.

Reply:

Thank you, it's nice to know that residents would like to work with us on different things especially when it's about bringing money into the Council.

It's not something we've considered before and I'm not sure it's something that we would consider in the future. I'm happy to look at anything but I don't want to complicate things by making different rules and regulations for different people. I do appreciate that you do come from an area where there wasn't a controlled parking zone. The reason we have controlled parking zones is not just because we say, well it looks a bit busy over there, we'll charge them over there for their parking it is because residents actually come to us. We don't implement any controlled parking zones, until residents come to us. And if we start looking at different rules and regulations about how long residents have lived in an area, I think we are just going to complicate the issue. I appreciate it's been an expensive time for you and I have every sympathy for that, but I think we also need to remember that its residents that asked us to implement controlled a controlled parking zone and that's residents that have been there for 15 years and residents that have been there for 5 months so I have sympathy with you but it's not an area that would be easy just to implement.

**3) From: Andrew Boyce
To the Cabinet Member for Environmental Sustainability and Regeneration**

Question: Whether he feels any sense of embarrassment that the Council has refused to include four cottages in his ward on its local list of heritage assets, despite their dating back to the 1800s, having a clear association with Lord Nelson and the majority of consultation responses favouring their inclusion?

Reply

I am not embarrassed. As you know I initiated this local listing application, worked with others to collect signatures in support of it, insisted on a public consultation and spoke with yourself and others at the hearing on the application.

The decision reflects the fact that such matters are independent of me and based upon agreed criteria and factors. The Council has an agreed assessment criteria for establishing whether properties and structures in the borough are added to the Local List This is based upon national guidance and standards aiming at protecting certain buildings.

The criteria include a professional assessment of;

- Architectural style
- Age and history
- Detailing

- Group value
- Building materials
- Subsequent alterations

The proposal to list 30-40 Morden Road had been assessed negatively both by the Design Review Panel and Merton's heritage officers. It was determined that although listing enjoyed local support, the cottages do not meet the majority of the council's criteria. Although, I wanted a different outcome, I do not question that a proper decision was made.

Supplementary Question:

What I would be interested to know from Councillor Judge is, as he is all too aware we are not willing to accept the Chief Executives decision, we intend to gather signatures for a local petition and in the outcome of his issuing a review of the procedures. Will he personally tonight give us assurance that he will be knocking on peoples doors with us to get those signatures on that second petition? Will he explain to them why that first one wasn't successful and not give us the usual answer of it didn't meet the criteria.

Reply:

I thank Mr Boyce for that as he knows I initiated the first local listing application and the first petition. I had great help from Mr Manning who's going to ask the next question and I think the application has been properly taken it's not a decision I agree with. I'm looking forward to a fresh procedure being introduced after May and looking forward to collecting fresh petitions and I know that maybe yourself and Mr Manning are to argue for the local listing at that time.

**4) From: Derek Manning
To the Cabinet Member for Environmental Sustainability and Regeneration**

Question: Explain the procedure for determining whether properties dating back to the early 1800s merit inclusion on the council's list of heritage assets, and why the decision on whether to include such properties on the local list is delegated to the Chief Executive of the council and not elected members?

Reply

The Council has an agreed assessment criteria for establishing whether properties and structures in the borough are added to the Local List. This guidance is set out in detail on the council's website: www.merton.gov.uk/listed_buildings

The criteria includes a professional assessment of;

- Architectural style
- Age and history
- Detailing
- Group value
- Building materials
- Subsequent alterations

Further to section 101 of the Local Government Act 1972, Council has delegated the authority to make these decisions to the chief executive. The power is not something that must be reserved to the cabinet or an elected member. In particular:

- Part 4F Section A11 of the constitution delegates planning, conservation and licensing matters to Planning Applications Committee and Licensing Committee and
- Part 3F, section 7.1, of the constitution authorises the chief executive to determine all town planning development control and miscellaneous matters, except for those matters reserved to the above committees

As you know from our meeting with the Chief Executive this week, our view is that the final decision should lie with elected members, acting within our listing criteria. I have therefore asked council officers to review this matter and to report back to me with proposals on the most appropriate way to proceed in determining changes to the local list in future.

**5) From: Sophie Shelton
To the Cabinet Member for Environmental Cleanliness and Parking**

Question: 'Will the Leader explain why Ridley Road in Wimbledon is being neglected? with the following outstanding , Recycling collection missed on 14/1/16 No street cleaning or litter picking since 1/10/15, street lighting is poor, old and inadequate, paving slabs are loose cracked and dangerous! please confirm the work program in writing'

Reply

I can assure Ms Shelton that Ridley Road, like other residential roads in the borough, receives regular refuse collection and street cleaning. Unfortunately on 14 January 2016 the scheduled collection crew were not able to complete their work due to a vehicle breakdown. The outstanding roads were allocated to a relief crew, and the waste collected shortly thereafter.

Ridley Road is scheduled to be swept on a weekly basis. During the bulk leafing period between October and December resources are concentrated on those roads that are heavy with leaf fall. In addition there was a necessary redistribution of resources over the Christmas and New Year period due to bank holidays etc. However our response team continued to visit the area and responded to issues that needed to be addressed. Ridley road was cleaned and checked on the scheduled day Monday 4 January 2016, and had been added for checking on a weekly basis to ensure the required standard of cleaning is being maintained.

There are no current plans to renew the street lighting or footways on Ridley Road as they do not meet the threshold for intervention. The Council has an annual investment programme for the renewal of footways and carriageways as well as upgrading lighting, Ridley Road will be prioritised when appropriate. All roads in the borough are inspected on a scheduled and regular basis to identify defects that have reached the intervention level following which works are ordered to make them safe.

**6) From: Lynn Robertson
To the Cabinet Member for Community and Culture**

Question: What is the budget split for spending at the Library network between fiction and non fiction – in paper media format?

Reply

Spending on printed book stock categories in our libraries varies each year depending upon the level of new stock that publishers produce and the subject areas. Customer demand for stock is also monitored closely and sophisticated technological systems are used to ensure that the right stock is purchased for our users. In the last full financial year 52% of available funds were spent on fiction stock and 48% on non-fiction. These figures are combined for stock purchased for both adults and children.

**7) From: Richard Hilton
To the Cabinet Member for Children's Services**

Question: At the Council Meeting on Wednesday 19th November 2014, my constituent Mrs Nicola Reade-Lyons raised concerns about confidential documents she had been sent in error regarding child protection matters. What investigation was carried out as a result of this and have procedures been improved as a result?

Reply

The council has looked into this matter and has also asked the Information Commissioners Officer (ICO) to investigate. The ICO investigated and has not taken any formal enforcement action. The ICO has, however, looked into our procedures, and has recommended that the mandatory protecting information training staff are required to undertake, should be annually rather than every 18 months and that new employees should receive adequate data protection training before they start dealing with personal data.

**8) From: Tracy Wilson
To the Cabinet Member for Community and Culture**

Question: In November 2015, Merton Council stated that they had not agreed the needs plus one component of the CHMP regen plans. What will happen if homes are demolished and residents do not get what they were promised?

Reply

Circle Housing Merton Priory (CHMP) have stated that where there is under occupation in an existing property then rather than just rehouse under occupying tenants in a home which meets their needs CHMP will offer those tenants a property with one bedroom above their housing need if they wish .

**9) From: Doll Lambourne
To the Cabinet Member for Environmental Sustainability and Regeneration**

Question: Merton Council stated that the Ravensbury Garages site would not be disposed of until regen plans are approved by public enquiry (2017), however CHMP are pushing for planning in 2016. Have Merton Council met with CHMP in private and made promises that should be disclosed to the public?

Reply

Ravensbury Garages remain in Merton Council's ownership and no deal has been made regarding any sale to CHMP. Individuals or organisations are allowed to submit planning applications for land that they do not own. There have been no promises made that require public disclosure.

**10) From: Annette Rae
To the Cabinet Member for Environmental Sustainability and Regeneration**

Question: If Merton Council decide to sell the Ravensbury Garage for development, will Merton Council put the site up for tender sale to any interested parties to ensure the best possible sale price for Merton Residents?

Reply

Should Merton Council decide to sell any land in the borough, the sale is usually conducted through an open market tender. There are circumstances, where if a neighbouring land owner shares a boundary with the Council's land to be disposed, the neighbour has 'special purchaser' rights. This assumes that developing adjoining sites together will enable a better development across the sites. The Council must still obtain best reasonable value for the disposal, but the disposal is not subject to open market tender. Merton Council has not yet had discussions of this nature re. Ravensbury Garages

**11) From: Christopher Holt, Chairman, Ravensbury Residents Association
To the Leader**

Question: Reviewing Ravensbury's draft local plan (Cabinet Jan 2016), it appears that this has been drafted around CHMP's own architectural plans and not the opinions of local residents. Is Stephen Alambritis readying to break his promise to properly represent Ravensbury residents who want to save their homes, community and environment?

Reply

The Council's consultation on the draft Estates Local Plan starts on 1st February and is based upon standard and well tested approaches to planning consultation. It has been written by Merton's officers on the basis of their best professional judgement. The consultation process is designed to ensure the Council can hear and understand

the opinions of local residents. We encourage all residents of the relevant estates to respond to the Council's consultation at www.merton.gov.uk/estatesplan

Supplementary Question:

Good Evening, in the cabinet meeting of 18th January 2016 I'm sure I heard Councillor Andrew Judge make mention of his desires to further suspend the Decent Homes Standards for the 3 estates affected by the potential regeneration. However this has been minuted as delegate approval to the director of Community and Housing, consultation with the relevant cabinet member to finalise a revised delivery timetable for the implementation of the decent homes programme of Highpath, Eastfields and Ravensbury estate. Could a cabinet member confirm or deny this comment and the possibility of further suspension on Ravenbury, Eastfields and High path please?

Reply by Councillor Andrew Judge

I think there's a whole period before that. When the Decent Homes Standard comes to the end of the three estates and we are still engaged in consultation as a council it will be necessary the four of us to extend the period to be filled with these home standards. At least until the end of that consultation and so that Council can make a decision as to whether we are going to support the regeneration of these estates going ahead so that is the discussion that is going on at the moment, if its necessary for how long it's necessary.

But what we can't have is the period end while we are still consulting residents properly on the future planning of those estates. But we will only extend it just so long as it takes us to consult with residents properly, to analyse their responses and to reach a decision. If the decision is then, that we are going to cooperate with circle housing and we are going to support the regeneration then there will be a further period necessarily of a suspension of that decent homes standard. At the moment we are considering a temporary suspension.

**12) From: Nicola Reade-Lyons
To the Cabinet Member for Finance**

Question: Who is agreeing the minutes from previous Council Meetings before they are signed-off and published? Are they amended if any errors are discovered after they have been published and how can the public be confident that what is recorded is an honest factual account of what is said in the meeting?

Reply

Draft minutes of Council and committee meetings are produced and publicised on the website as soon as practicably possible after the meeting. Minutes are not required to be a verbatim record of the meeting but are required to be a record of the decisions taken. They are included on the agenda for the next meeting of that committee and are then agreed by that committee as an accurate record of the meeting, subject to any changes made and agreed by that committee. Once agreed by the committee the minutes constitute a legal record of the meeting and cannot be subsequently changed.

Supplementary Question

At the last meeting on the 19th November 2014 I asked a question in regards to a series of data protection breaches at the Council meeting, this was on the 19th. Can it be explained why my subsequent question wasn't recorded at all in the minutes and now I have brought the issue to your attention, will the minutes be amended and my subsequent question added?

(At this point there was a discussion regarding which way the Cabinet Member should face whilst speaking – it was explained that at Council members always face the Mayor to speak)

Reply

The minutes of all minutes are agreed by all Councillors at the subsequent meeting and they are a general reflection of what was said at those meetings, to the satisfaction of members, they are not a record of every word that is said because that is far too long and will take everybody far too long to read. The minutes that were agreed from the meeting in 2014 will have been agreed by Councillors at a following meeting and if there were any problems they would get published a few days beforehand for people to comment on them and for changes to be made. So those minutes are an accurate record.